

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Claims 1-3 and 5-15 are now pending. Claims 3, 5 and 7-14 have been withdrawn from consideration as directed to a non-elected invention.

Original claims 1, 4 and 6 were rejected under 35 USC 102(e) as being anticipated by Suwabe et al. Further, claim 2 was rejected as obvious from Suwabe. Applicant respectfully traverses this rejection with respect to the claims presented hereinabove.

Claim 1 has been amended above so as to incorporate the limitations of previously presented, original claim 4. Original claim 4 is based *inter alia* on the description relating to the embodiment of Figure 3B, which may be found in particular at page 11, lines 20-25 of the specification. In this regard, as noted in the background of the invention section of this application, the temperature at a peripheral portion of a diesel particulate filter (DPF) is lower than in the center thereof. Accordingly, particulate matter in the peripheral portion of the DPF is difficult to combust. It was therefore an object of the invention to provide a DPF having a heat-retaining layer with a heat-retaining effect in a peripheral portion of the DPF. This improved the temperature increasing performance so that the temperature of the filter portion of the DPF is increased evenly during regeneration of the DPF. In an example embodiment of the invention, all the cells in the peripheral area of the DPF are blocked with a filler on the exhaust gas inlet side of the DPF (see example of Figure 3B). Thus, a peripheral heat-retaining layer 15 is formed. On the other hand, on the exhaust-gas outlet side of the DPF, the ends of the cells providing the heat-retaining layer are partially opened. Therefore, the exhaust gas can flow through the cells relatively easily. However, the temperature of the particulate matter collecting area 16 can be sufficiently maintained above a predetermined value by properly setting width "a" of the peripheral heat-

retaining layer 15. As noted above, claim 1 has been amended to more specifically recite this characteristic of the invention such that claim 1 provides that the peripheral heat-retaining layer is formed by blocking entire cells in the peripheral area (only) on the exhaust gas inlet side of a monolithic body and whereas the entire cells in the peripheral area are not blocked on the exhaust gas outlet side of the monolithic structural body. Thus, the structure defined by claim 1 realizes the unique and advantageous features of the invention.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

Suwabe discloses at column 7, lines 46-48 that both ends of the flow path near the outer peripheral wall of the filter are sealed by sealers. As a consequence, the structure will tend to involve excessive-heating of the particulate filter due to both ends being blocked. In any event, Suwabe clearly does not teach or suggest the invention as recited in amended claim 1, wherein only the inlet ends of the peripheral flow back paths are all blocked and not all cells are blocked in the peripheral portion at the outlet end. Because only the inlet side (end) of the exhaust flow and the peripheral area is blocked (sealed) while the outlet side is not fully blocked, the structure of the invention helps prevent excessive-heating by moderately enabling heat gases to be discharged by

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the outlet side in the peripheral area that is not blocked. Consequently, the claimed invention is not anticipated by Suwabe and further the claimed invention provides significant and unanticipated advantages over Suwabe. It is therefore respectfully submitted that the invention is not anticipated by nor obvious from Suwabe. It is further respectfully submitted that the Examiner has cited no evidence, such as a prior art teaching, that would motivate the skilled artisan to modify Suwabe so as to arrive at the invention claimed by applicant.

In view of the foregoing, reconsideration and withdrawal of the rejection based on Suwabe is solicited.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

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